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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/716,105 | 11/18/2003 | Michael C. Clark | 68,002-423 | 6126 |

27305 7590 10/21/2004

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EXAMINER

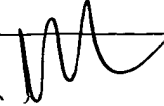
CRANE, DANIEL C

ART UNIT PAPER NUMBER

3725

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|--|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/716,105 | CLARK, MICHAEL C.  | |
| | Examiner | Art Unit | |
| | Daniel C Crane | 3725 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 64,66 and 68-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 64,66,68,69,71 and 72 is/are rejected.
- 7) ☒ Claim(s) 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

REJECTION OF CLAIMS OVER PRIOR ART

Claims 64, 66 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryals (5,080,387). See Figures 1-4 where the supporting device 1 has a base 5 with a wheel mechanism 15, 20 that extending perpendicular to the base 5 when in the supporting position, which is shown in Figure 1. The base 5 is collapsible by pivoting the legs 7, 4, 10. The wheel mechanism 15, 20 is positioned in the rolling position by pivoting the wheel mechanism as shown in Figure 3 and 4. As shown in Figure 4, the wheel mechanism is parallel to the frame 5 and allows the supporting device to be transported. The links 12 “lock” the wheel mechanism in both a transport position and a working position. As to claim 69, the handle 13 establishes the “brace” between the front and rear rail 5 and indirectly engages the locking device 12, 12’.

Claims 64, 66, 68, 69, 71 and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohlsson (6,196,560). See Figures 1-3 where the rails (base) 5, 70, 75 are collapsible when the supporting device 1 is collapsed from the position shown in Figure 3 to that shown in Figure 1. The wheel mechanism 10, 100, 110 is shown in Figure 3 to be in the supporting position with the wheel mechanism extending perpendicular to the base 70, 75 and is shown in Figure 2 in the transport position with the wheel mechanism extending parallel to the base 70, 75. The pin is shown at 15. Ohlsson shows that the locking device at 20 as also including a “locking pin” 125. Since the locking device 20 includes a channel 132, the locking device is provided with a wheel brace between the front and rear rails of the base.

Claim 68 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlsson (6,196,560) in view of Haaser (6,328,330). Ohlsson discloses that the locking device be a resilient ball which is arranged in the base 5, 70, 75 engageable with a depression in the supporting frame 10 in the locked position. Ohlsson does not show a pin locking device of the type contemplated by applicant. However, such locking implements are common in the art as evidenced by Haaser at 91, 92, such being of a simply locking system that is cost effective. It would have been obvious to the skilled artisan at the time of the invention to have modified Ohlsson's locking device by using a locking device as shown by Haaser so as to simplify the locking device and reduce the cost of the device.

RESPONSE TO APPLICANT'S COMMENTS

Applicant's comments have been considered however they are moot in light of the new grounds of rejection, such rejection being necessitated by applicant's amendment.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claim 70 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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FINAL OFFICE ACTION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(703) 308-1870**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Allen Ostrager, can be reached at **(703) 308-3136**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1148**.

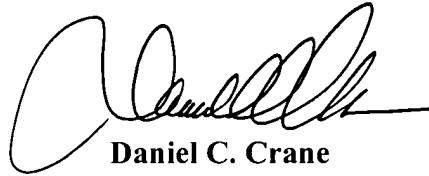
Documents related to the instant application may be submitted directly to Group 3700 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any

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transmission as "DRAFT" if it is not to be considered as an official response. The Group 3725

Facsimile Center number is (703) 872-9306.

DCCrane
October 19, 2004

A handwritten signature in black ink, appearing to read 'Daniel C. Crane', with a large, stylized initial 'D'.

Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725